



March 22, 1999

Mr. Eric M. Bost  
Commissioner  
Texas Department of Human Services  
P.O. Box 149030  
Austin, Texas 78714-9030

OR99-0783

Dear Mr. Bost:

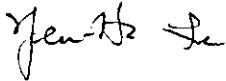
You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 123023.

The Texas Department of Human Services (the "department") received a request for correspondence concerning janitorial monitoring, inspections, and contracts. You claim that one document is excepted from disclosure by the attorney-client privilege under section 552.101 of the Government Code. We assume that you have released the remaining requested information to the requestor.

In Open Records Decision No. 574 (1990), this office determined that the statutory predecessor to section 552.107(1) was the appropriate section for a governmental body to raise when seeking to except from required public disclosure communications between the governmental body and its legal counsel. Section 552.107(1) of the Government Code protects information that an attorney cannot disclose because of a duty to his client. In Open Records Decision No. 574 (1990), this office concluded that section 552.107(1) excepts from public disclosure only "privileged information," that is, information that reflects the client's confidential communications to the attorney and the attorney's legal advice or opinions. Open Records Decision No. 574 at 5-7 (1990). Section 552.107(1) does not, however, protect purely factual information. *Id.* You may withhold the submitted document under section 552.107 because it consists entirely of attorney advice and opinion.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Yen-Ha Le".

Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/nc

Ref.: ID#123023

Enclosures: Submitted document

cc: Ms. Linda Nathan  
Maintenance Unlimited  
P.O. Box 640272  
El Paso, Texas 79904  
(w/o enclosures)